

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 2016/1988 New Delhi, the 24th Jan., 1994

Hon'ble Mr. N.V.Krishnan, Vice Chairman (A)
Hon'ble Mr. B.S. Hegde, Member (J).

Shri Harphool Singh
S/o Muni Lal,
Village & Post : Gokal,
Tehsil: Rewari, Distt. M.Garh,
Haryana

... Applicant

(By Advocate Shri V.P.Sharma)

Versus

1. General Manager, Northern Railway, Baroda House, New Delhi
2. The Divisional Mechanical Engineer, Northern Railway, Bikaner.
3. The Loco Foreman, Northern Railway, Bikaner, Rewari, (Haryana)

... Respondents

(By Advocate Sh. P.S. Mehandru)

ORDER(MORAL)

(Hon'ble Sh.N.V. Krishnan, Vice Chairman (A))

The applicant, who is working as a First Fireman in the office of the Northern Railway, Rewari, has filed this application against the Annexure A-1 order dated 23.6.1988 by which the Disciplinary Authority, Divisional Mechanical Engineer has reduced him as Fireman 'C' for 3 years with loss of seniority on the charge of negligent driving of an engine. The applicant has filed an appeal addressed to the Addl.Railway

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Manager on 10.7.1988. He has complained that the charge has not been proved for the reasons mentioned by him in the Appeal Memorandum.

2. However, the Appellate Authority disposed of the appeal on 23.8.88 (Ann.A-3) with the following orders:-

"All evidence supports the findings of the Enquiry Officer. The punishment is confirmed as no new evidence has been presented".

The applicant complains that the appeal has been rejected without a speaking order. A Review has been filed on 12.9.87 (Ann.A-4) to the Chief Mechanical Engineer, which was not disposed of till the OA was filed. In the circumstances, the applicant has prayed for quashing the charge-sheet as well as the order imposing the penalty.

3. The Respondents have filed a reply contending that the enquiry has been held in accordance with law and therefore the OA has no merit and it should be rejected.

4. When the case came today for final hearing, we noticed that the applicant is on strong grounds when he contends that the Appellate Authority's order is not a speaking order. It has rejected the appeal in one sentence without considering the grounds raised by the applicant vide Ann.A-2 and hence that order cannot be sustained.

5. The learned counsel for the Respondents was not in a position to satisfy us that, nevertheless, the Appellate Authority's order is valid.

6. The learned counsel for the applicant also states that for the same offence the applicant was acquitted. He, therefore, contends that the charge-sheet may be quashed.

7. We notice that the applicant has not impleaded the Appellate Authority as Respondent. However, he has impleaded the General Manager, Northern Railway and, therefore, we are of the view that this OA can now be disposed of with direction to the 1st Respondents.

8. Accordingly, we disposed of this O.A. by quashing the Ann.A-3 order dated 23.8.1988 of the Appellate Authority i.e. Addl. D.R.M. Bikaner, and remand the case to that authority for disposal in accordance with law. We also permit the applicant to produce before the Appellate Authority the judgement of the criminal case to the extent it is relevant for the disposal of this appeal. We direct the first respondent to ensure, by issuing suitable direction to the Appellate Authority, that this appeal is disposed of within a period of 3 months from the date of receipt of this order by that authority. Needless to say, if the applicant is aggrieved by the order of the appellate authority, he can seek redress according to law.

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(B.S. Hegde)

Member(J)

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24/1/94
(N.V.Krishnan)

Vice Chairman (A)